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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,267	06/27/2001	Ikuo Ozawa	4041K-000027	4849

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EXAMINER
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PATEL, NIHIR B

ART UNIT	PAPER NUMBER
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3743

DATE MAILED: 05/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/892,267

Applicant(s)

OZAWA ET AL.

Examiner

Nihir Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 5, 8 and 11-23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 7, 9 and 10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1,2, and 3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Referring to claim 1, there is insufficient antecedent basis for limitations “the heat exchanger”.

Referring to claim 2, there is insufficient antecedent basis for limitations “the heat exchanger” and “the brackets”.

Referring to claim 3, there is insufficient antecedent basis for limitations “the tubes”.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Masuda U.S. Patent No. 5,409,288. Referring to claim 1, Masuda discloses a module carrier structure for vehicle front that comprises a heat exchanger having the dual function as a reinforcing member for reinforcing the vehicle body is mounted on a vehicle. Refer to figure 1

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Referring to claim 2, Masuda discloses Masuda discloses a module carrier structure for vehicle front that comprises a beam like brackets (12,13,14,15,16, and 17) extending transversely across the vehicle are included in the heat exchanger, and the heat exchanger is mounted on the vehicle through the brackets. Refer to figure 1 and columns 2 and 3.

Claims 3,4,6,7,9, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Iwasaki et al. U.S. Patent No. 5,046,554. Referring to claim 3, Iwasaki discloses a cooling module that comprises a plurality of tubes (107) for passing a fluid therethrough, header tank arranged at the longitudinal ends, respectively, of the tubes and communicating with a plurality of the tubes (107), and beam like brackets (24) mounted on the header tanks, extending in horizontal direction and fixed on the vehicle. Refer to figures 1 through 7 and columns 5 and 6.

Referring to claim 4, Iwasaki discloses a cooling module that comprises a first heat exchanger (44) including a plurality of first tubes for passing a first fluid therethrough and first header tanks arranged at the longitudinal ends, respectively, of the first tubes for communicating with a plurality of the first tubes thereby to exchange heat between the air and the first fluid; and a second heat exchanger (43) including a plurality of second tubes for passing a second fluid therethrough and second header tanks arranged at the longitudinal ends, respectively, of the second tubes thereby to exchange heat between the air and the second fluid; characterized in that the two heat exchangers (43 and 44) are arranged integrally in series with each other along the direction of air flow, and a beam like bracket extending in horizontal direction and fixed on the vehicle is coupled to or integrated with at least each of the first header tanks. Refer to figures 1 through 7.

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Referring to claims 6 and 7, Iwasaki clearly shows that the brackets are each formed with an assembling portion for assembling equipment other than the heat exchanger. Refer to figures 1 through 3.

Referring to claims 9 and 10, Iwasaki clearly shows that the brackets are each formed with an assembling portion for assembling the head light. Refer to figures 1 through 3.

***Conclusion***

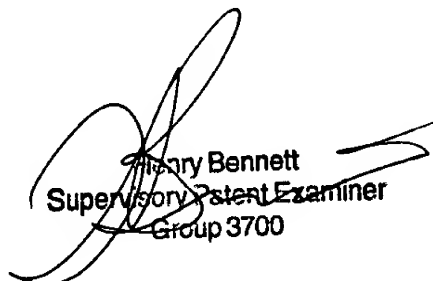
3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to vehicle mounted structure of a heat exchanger.

U.S. Patent No. 5,123,695 to Kanemitsu et al.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Nihir Patel whose telephone number is (703) 306-3463. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:30 pm. If attempts to reach the examiner by telephone are unsuccessful the examiner's supervisor Henry Bennett can be reached at (703) 308-0101.

NP  
May 7, 2002

  
Henry Bennett  
Supervisory Patent Examiner  
Group 3700